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REMARKS

Filed concurrently herewith is a Request for a Three-Month Extension of Time which extends the shortened statutory period for response to September 1, 2004. Accordingly, Applicants respectfully submit that this response is being timely filed.

The Official Action dated March 1, 2004 has been received and its contents carefully noted. In view thereof, claims 7 and 11-19 have been canceled, claims 1, 3 and 20 have been amended and new claims 21-29 have been added in order to better define that which Applicant regards as the invention. Accordingly, claims 1-6, 8-10 and 20-29 are presently pending in the instant application.

Initially, Applicant confirms the election of Group I claims 1-11 and 20 drawn to a barrier comprising inverted T-shaped plates classified in class 404, subclass 6.

With preference to page 3 of the Office Action claim 11 has been objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. As can be seen from the foregoing amendment, dependent claim 11 has been canceled and consequently further discussion with respect thereto is no longer believed to be warranted.

In paragraph 3 of the Office Action, the drawings have been objected to under 37 CFR 1.83(a) in that the drawings must show every feature of the invention specified in the claims. In this regard the Examiner notes that the Constantine wire, barbed wire, razor wire or concertina wire must be shown of the features canceled from the claims. Again, as can be seen from the foregoing amendment, claim 7 has been canceled which included the features noted by the Examiner. Accordingly, further discussion with respect to the objection to the drawings is no longer believed to be warranted and it is respectfully submitted that Applicants drawings filed with application are in proper condition for allowance.

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With reference now to paragraph 4 of the Office Action, claims 1-6, 9-11 and 20 have been rejected under the 35 U.S.C. 102(b) as being anticipated by US. Patent No. 6,200,063 issued to Fritzinger. This rejection is respectfully traversed that the patent to Fritzinger neither discloses nor remotely suggest that is presently set forth by applicant's claimed invention.

As can be seen from the forgoing amendments, each of independent claims 1 and 20 have been amended to more particularly recite features of the present invention which are neither discloses nor suggested by the patent to Fritzinger. Particularly, independent claim 1 recites a vehicle barrier comprising a plurality of inverted T-shaped plates having a height, a width and a depth, each of said plurality plates including a top portion and at least two feet. The barrier further includes at least one interconnecting member adapted to interconnect the plurality of inverted T-shaped plates wherein the inverted T-shape plates are configured to engage a ground surface to at least partially immobilizing a vehicle, said interconnecting member having a length greater than the width of said plates such that the spacing between each of the respected plates is greater than the width of each of the plates. Similarly, independent claim 20 has been amended to recite a perimeter wall comprising at least two inverted T-shaped members, each inverted T-shaped member having a height, a width and a depth; and at least two interconnecting members, each interconnecting member having a length, said length of said interconnecting member being greater than the width of the T-shaped member wherein each inverted T-shaped member is connected to an adjacent inverted T-shaped member by the interconnecting members. Clearly, as discussed in detail hereinbelow, the disclosure Fritzinger neither discloses nor suggest such features.

Particularly, as can be readily appreciated from the several figures, the interconnection between the T-shaped elements of Fritzinger is of a length which is less than the width of the respected T-shaped elements. Consequently, the spacing between the T-

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shaped elements is less than a thickness of such elements. This is necessary due to the environment in which the barrier system of Fritzinger is to be used. That is, the barrier system of Fritzinger is one of a jersey wall type structure which is intended to maintain vehicles in their lane on a highway and to separate traffic lanes on turnpikes or the like, while the present invention is directed to a device for immobilizing and intentionally stopping the progress of vehicles.

As can be clearly seen from figures 2, 3, 5 and 6 of the Fritzinger reference as well as a discussion throughout the specification which notes that the bumping surface 7 of the supports are moved toward one another and are therefore in contact with one another almost uninterruptedly, so that the bumping surfaces 7 form a nearly uninterrupted limitation of the outside of the curve. If the vehicle bumps into the bumping surfaces 7, they absorb the lateral forces generated and the corresponding guide section 1 is elastically deformed at first and returns to its original curved shape after the cessation of these lateral forces. That is, the spacing between the T-shaped plates of Fritzinger are intentionally positioned as close to one another as possible so as to as smoothly as possible return the vehicle to its original position. This is directly contrary to that which is presently set forth by Applicants' claimed invention wherein the T-shaped plates are intentionally positioned in a spatial relationship from one another greater than the thickness of the respective plates or forms so as to inhibit and intentionally stop the movement of a vehicle contacting the barrier. Accordingly, it is respectively submitted that Applicants' claimed invention as set forth in independent claims 1 and 20 as well as those claims which depend from independent claim 1 clearly distinguish over the teachings of Fritzinger and are in proper condition for allowance.

With reference now to page 5 of the Office Action, claims 7 and 8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Fritzinger in view of U.S. Patent No. 4,093,187 issued to Robinson. This rejection is likewise to traverse that the patent to

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Robinson does nothing to overcome the aforementioned shortcomings associated with the teachings of Fritzinger.

Initially, as can be seen from the foregoing amendment, dependent claim 1 has been canceled in its entirety without prejudice nor disclaimer of this subject matter set forth therein. Accordingly, further discussion with respect thereto is no longer believed to be warranted.

As to dependent claim 8, this claim includes all the limitations of previous independent 1 and further limits such claim stating that the barrier includes a securing mechanism adapted to secure at least one of a pedestrian barrier and a sign. With respect to the teachings of Robinson, it is noted that this reference is merely directed a fencing system and more particularly to a post structure for a fencing system. This is quite different from that of a vehicle barrier and clearly would not impede the progress of a vehicle. Therefore, it is respectfully submitted that dependent claim 8 which is directly dependent from independent claim 1 and includes all limitations thereof clearly distinguishes over the combination proposed by the Examiner and is in proper condition for allowance.

Preferring now to new claims 21-29, independent claim 21 recites a vehicle barrier comprising a plurality of vehicle inhibiting forms, each form including a substantially upright section, at least one extension section extending from the upright section, and a pivoting section positioned on an opposing portion of said upright section; and at least one interconnecting member positioned between each of the plurality of vehicle inhibiting forms for spacing and supporting each form with respect to an adjacent form; wherein said interconnecting member is of a length greater than a thickness of each of the forms. Clearly, as discussed hereinabove, the prior art recited by the Examiner neither discloses nor suggests such a vehicle barrier system. Accordingly, it is respectfully submitted that new independent

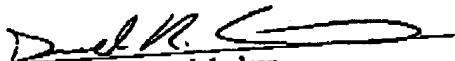
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claim 21 as well as those claims which depend therefrom clearly distinguish over the prior art of record and are likewise in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 1 -6, 8-10 and 20-29 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,


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